

**REMARKS**

Initially, applicant's attorney notes that the present Amendment has been prepared in accordance with the revised amendment practice published in the Official Gazette Notice on February 25, 2003. More particularly, this Amendment is submitted in compliance with revised 37 CFR 1.121.

By the foregoing amendments, Claims 1, 3, 5, 9, 10, 12, 18, and 19 have been amended. Further, new Claims 26 and 27 have been added to the present application. Claims 7, 8, 13-16, and 20-25 remain withdrawn as a result of an earlier restriction requirement.

Applicant's attorney is pleased to note that the Office Action mailed April 1, 2003 indicates that Claim 9 contains allowable subject matter. By the foregoing amendments, Claim 9 has been rewritten in independent form to include all of the features recited in its base claim (i.e., original independent Claim 18). In drafting independent Claim 9, minor editorial changes have been made to the original claim language in order to overcome the Examiner's 35 USC 112 rejection of Claim 18. In the foregoing circumstances, it is respectfully submitted that amended independent Claim 9 is in condition for allowance. With respect to dependent Claims 10 and 12, they depend directly from amended independent Claim 9. In such circumstances, it is believed that Claims 10 and 12 are also in condition for allowance.

Referring to the Office Action, Claims 1-6, 9-12, 18, and 19 have been rejected under 35 USC 112 as being indefinite. With the entry of this Amendment, Claims 1, 3, 5, 10, 12, 18, and 19 have been amended to comply with the requirements of 35 USC 112.

Claim Rejections Under 35 Sections 103(a)

The Examiner rejected Claims 1 and 3-6 under 35 U.S.C. 103(a) as being unpatentable over Bliss U.S. Patent No. 3,201,172. Further, Claims 2, 11, and 18 have been rejected under 35 USC 103(a) as being unpatentable over the Bliss reference in view of Semplonius et al. U.S. Patent No. 3,669,499. Lastly, Claim 19 has been rejected under 35 USC 103(a) as being unpatentable over the Bliss reference in view of the Semplonius et al. reference, and further in view of Lockshin U.S. Patent No. 3,188,138. Applicant's attorney traverses the foregoing claim rejections for the following reasons.

The present invention, as claimed in amended independent Claim 1, relates to a seat which includes a seat plate (1) which is arranged substantially horizontally and which has at least a **lower part** (3) and a **upper part** (2). The upper part (2) lies on the lower part (3), and the lower part (3) is glued to the upper part (2). Each of the lower part (3) and the upper part (2) is made from **molded plywood**. The seat also includes two front legs (5, 6) and two rear legs (5',6') which protrude to the floor, the front and rear legs (5,6;5',6') having leg extensions (50,60;50',60'), at the top of each leg. Lower leg grooves (20) are incorporated **by cutting** on the lower side of the upper part (2) that faces the lower part (3), and upper leg grooves (30) are integrally formed without cutting on the upper side of the lower part (3) that faces the upper part (2). Between the lower and upper parts (2,3) of the seat plate (1), the leg extensions (50,60;50',60') of the front and rear legs (5,6;5',6') are fitted in the lower and upper leg grooves (20,30).

Appln. No. 09/982,689  
Amdt. dated August 1, 2003  
Reply to Office Action mailed April 1, 2003

Because the leg extensions (50,60;50',60') of the front and rear legs (5,6;5',6') are fitted in the lower and upper leg grooves (20,30) between the lower and upper parts (2,3) of the seat plate (1), it advantageously allows the stacking height of chairs stacked one above another to be kept very small (see FIG. 10A of the present application). As a result of the novel arrangement recited in amended independent Claim 1, a fastening element is **not** required to connect the legs to the seat plate. This provides an advantage over the prior art since fastening elements typically undesirably increase the stacking height of chairs stacked one above another and may cause damage or lasting deformations to the seat lying directly below the fastening element when chairs are stacked one above another.

It is respectfully submitted that the references relied upon by the Examiner in the Office Action (i.e., the Bliss, Semplonius et al., and Lockshin references), whether considered individually or in combination with one another, do not anticipate or make obvious the present invention as recited in amended independent Claim 1. For instance, while the Bliss reference discloses a seat, the seat is structurally different from the seat recited in amended independent Claim 1. More particularly, the Bliss reference includes a **one-piece** molded **plastic** seat, a separate socket device positioned below the seat for receiving the legs, and a separate **metal** retaining plate (see Col. 1, line 65 of the Bliss reference) which functions to secure the legs in the socket device. Unlike the present invention, the seat plate in the Bliss reference exists in only one piece (i.e., no upper part and lower part). With respect to the retaining plate, the Examiner has taken the position that it is equivalent to the lower part of the seat plate of the present invention. Assuming for the sake of argument only that the retaining plate in the Bliss

Appln. No. 09/982,689  
Amdt. dated August 1, 2003  
Reply to Office Action mailed April 1, 2003

reference is equivalent to the lower part of the seat plate of the present invention, applicant's attorney notes that (1) the retaining plate is not **glued** to the seat, (2) the retaining plate is not made of **molded plywood** (rather it is made out of metal), and (3) the seat is not made of **molded plywood** (rather it is made out of plastic). In the foregoing circumstances, it is respectfully submitted that the Bliss reference fails to disclose or suggest the lower part and the upper part of the seat plate recited in amended independent Claim 1 (i.e., the lower part being **glued** to the upper part and each of the lower and upper parts being made from **molded plywood**).

As indicated above, the Bliss reference requires a separate socket device positioned below the seat for receiving the legs and a separate metal retaining plate which functions to secure the legs in the socket device. As a result of the improved design of the present invention and unlike the Bliss reference, the legs can be fixed to the seat plate without the need of any fastening elements (i.e., the separate socket device and/or the separate retaining plate) by fitting the leg extensions (50,60;50',60') of the front and rear legs (5,6;5',6') in the lower and upper leg grooves (20,30) between the lower and upper parts (2,3) of the seat plate (1), as called for in amended independent Claim 1. Further, as conceded by the Examiner, the Bliss reference fails to disclose lower leg grooves incorporated by cutting, as recited in amended independent Claim 1. In view of all of the distinctions above, applicant's attorney respectfully submits that the seat recited in amended independent Claim 1 is patentably distinguishable from the seat disclosed in the Bliss reference.

With respect to the Semplonius et al. and Lockshin references, applicant's attorney submits that they, whether considered individually or in combination with the

Bliss reference, do not anticipate or make obvious the present invention as recited in amended independent Claim 1. In such circumstances, amended independent Claim 1 is believed to be in condition for allowance, along with all of the claims depending therefrom (i.e., Claims 2-6 and 19).

Applicant's attorney notes that the dependent claims recite additional novel features of the present invention. For instance, amended dependent Claim 5 requires that the leg extensions (50,60;50',60') of both interconnected pairs of legs (5,6;5',6') form bows (51,61) which themselves as curved sections extend in horizontal excursions toward the central region of the seat plate (1). Unlike the Bliss reference, a crosswide overlapping of both pairs of legs (which would undesirably increase the thickness of the seat if the leg extensions were embedded in the seat) is thereby avoided.

Amended independent Claim 18 relates to a seat which includes a seat plate (1) which is arranged substantially horizontally and which has at least a **lower part** (3) and **an upper part** (2). The upper part (2) lies on the lower part (3), and the lower part (3) is glued to the upper part (2). Each of the lower part (3) and the upper part (2) is made from **molded plywood**. The seat also includes two front legs (5, 6) and two rear legs (5',6') which protrude to the floor, the front and rear legs (5,6;5',6') having leg extensions (50,60;50',60'), at the top of each leg. Lower leg grooves (20) are incorporated by cutting on the lower side of the upper part (2) that faces the lower part (3), and upper leg grooves (30) are integrally formed without cutting on the upper side of the lower part (3) that faces the upper part (2). Between the lower and upper parts (2,3) of the seat plate (1), the leg extensions (50,60;50',60') of the front and rear legs

Appln. No. 09/982,689  
Amdt. dated August 1, 2003  
Reply to Office Action mailed April 1, 2003

(5,6;5',6') are fitted in the lower and upper leg grooves (20,30). The seat further includes a backrest which is substantially vertical, wherein the upper part (2) and the lower part (3) extend over the entire seat plate (1) and the upper part (2) and the lower part (3) of the seat plate (1) merge integrally into the backrest (4). The Examiner has only cited the Semplonius et al. reference (in combination with the Bliss reference) because it discloses a seat having two shells which merge integrally into a back portion. The Lockshin reference was cited only because it discloses a chair interlocking unit. Because amended independent Claim 18 includes the features of amended independent Claim 1, amended independent Claim 18 is patentably distinguishable, for the reasons discussed above, over the prior art references (i.e., the Bliss, Semplonius et al., and Lockshin references) cited in the Office Action. Accordingly, it is respectfully submitted that amended independent Claim 18 is in condition for allowance, along with claims depending therefrom (i.e., pending Claims 11 and 19).

New independent Claim 26 is a combination of amended independent Claim 1 and dependent Claims 3-5, while new independent Claim 27 is a combination of amended independent Claim 18 and dependent Claims 3-5. Accordingly, each of independent Claims 26 and 27 relates to a seat which includes a seat plate (1) which is arranged substantially horizontally and which has at least a **lower part** (3) and a **upper part** (2). The upper part (2) lies on the lower part (3), and the lower part (3) is **glued** to the upper part (2). Each of the lower part (3) and the upper part (2) is made from **molded plywood**. The seat also includes two front legs (5, 6) and two rear legs (5',6') which protrude to the floor, the front and rear legs (5,6;5',6') having leg

Appln. No. 09/982,689  
Amdt. dated August 1, 2003  
Reply to Office Action mailed April 1, 2003

extensions (50,60;50',60'), at the top of each leg. Lower leg grooves (20) are incorporated by cutting on the lower side of the upper part (2) that faces the lower part (3), and upper leg grooves (30) are integrally formed without cutting on the upper side of the lower part (3) that faces the upper part (2). Between the lower and upper parts (2,3) of the seat plate (1), the leg extensions (50,60;50',60') of the front and rear legs (5,6;5',6') are fitted in the lower and upper leg grooves (20,30). In such circumstances, independent Claims 26 and 27 are patentably distinguishable, for the reasons discussed above, over the prior art references cited in the Office Action. Accordingly, it is respectfully submitted that independent Claims 26 and 27 are in condition for allowance

The remaining references have not been cited against the pending claims. Applicant's attorney is in agreement with the Examiner concerning the relevance of these references to the pending claims.

In view of the foregoing amendments and remarks, applicant's attorney respectfully requests reexamination and allowance of Claims 1-6, 9-12, and 17-19, and examination and allowance of new Claims 26 and 27. If such action cannot be taken, however, the Examiner is cordially invited to place a telephone call to applicant's attorney in order that any outstanding issue may be resolved without the issuance of a further Office Action.

Appn. No. 09/982,689  
Amdt. dated August 1, 2003  
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A fee of \$252 is believed to be due to cover the three excess independent claims submitted by way of this Amendment, and a fee of \$36 is also believed to be due to cover the two excess claims submitted by way of this Amendment. The Examiner is hereby authorized to charge the \$288 (\$252 and \$36) fee to Deposit Account No. 501402. Enclosed is a Petition for a one-month extension of time to and including August 1, 2003, for which a \$110 fee is due. The Petition authorizes the Examiner to charge this \$110 fee to Deposit Account No. 501402. If there are any additional fees due as a result of this Amendment, including extension and petition fees, the Examiner is authorized to charge them to Deposit Account No. 501402.

Respectfully Submitted,

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